

Your Employees Are Creating Content. Your Legal Department Should Be Paying Attention.

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Partner [Mark Konkel](#) authored the article, “Your Employees Are Creating Content. Your Legal Department Should Be Paying Attention,” published by *The Legal Intelligencer*. The article examines the growing legal and compliance challenges associated with employee creator programs, which encourage employees to promote their employers, products, or workplace culture through social media content.

Mark explains that while employee-generated content can be a valuable marketing tool, employers must recognize that these programs implicate a range of legal issues, including wage-and-hour compliance, National Labor Relations Act protections, FTC endorsement requirements, anti-discrimination laws, biometric privacy regulations, and intellectual property rights. He emphasizes that employee content creation should be treated as a formal workplace program rather than informal brand advocacy.

Mark notes that employers should establish clear written agreements addressing compensation, time tracking, disclosure obligations, content ownership, likeness rights, and post-employment use of content. He also highlights the importance of ensuring employees understand when they are acting as representatives of the company and complying with applicable disclosure requirements.

Mark concludes that employee creator programs can be highly effective, but employers should apply the same level of legal and compliance oversight they would use for any other workplace initiative.

Read the full article [here](#). Subscription required.